

AMENDED IN ASSEMBLY APRIL 20, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 880**

**Introduced by Assembly Member Cohn**

February 18, 2005

---

An act to amend Section 300.2 of, ~~and to add Sections 361.31, 361.32, 361.33, and 361.34 to,~~ the Welfare and Institutions Code, relating to dependent children.

LEGISLATIVE COUNSEL'S DIGEST

AB 880, as amended, Cohn. Dependent children.

Existing law provides for the placement of dependent children by the juvenile court according to specified procedures.

This bill would specify that when the return of a dependent child to his or her parent is not possible and placement of the child is being considered, the primary purpose of the law with respect to dependent children is to identify family members who may be able to safely care for the child. The bill would also set forth various requirements for the State Department of Social Services to ensure that as many family members *as possible* of dependent children are identified, including ~~the development of a grant proposal for at least 2 pilot projects to assist family member caregivers, as specified, and the preparation of a report to the Legislature and the Governor on the pilot projects within one year of their implementation. The bill would also require the department to establish an oversight committee, as specified, to monitor, guide, and report on family member care recommendations and implementation activities, specify how the committee shall be comprised, and require the oversight committee to report to the Legislature and the Governor on the status of family member care issues on or before January 1, 2007 drafting guidelines outlining best~~

*practices in the use of advanced technology to assist counties in identifying all relatives, nonrelatives, and extended members at the earliest possible time for a foster child. The bill would authorize the department to identify best practices for implementing optimal foster child placement opportunities, as reported by designated counties that have developed kinship care programs for that purpose.*

~~The bill would impose a state-mandated local program by requiring social workers to meet further requirements regarding a dependent child's case record.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: ~~yes~~ no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. *The Legislature finds and declares as follows:*
- 2     (a) *Currently, social workers make the effort to maintain*
- 3     *relationships between the child in foster care and certain*
- 4     *individuals who are important to the child.*
- 5     (b) *The Legislature recognizes the right of a child in foster*
- 6     *care to be involved in the development of his or her own case*
- 7     *plan to identify all relatives, extended family members, and*
- 8     *nonrelative extended family members, to place the child in a safe*
- 9     *home and to complete any steps necessary to finalize the*
- 10    *permanent placement of the child and his or her siblings, if any.*
- 11    (c) *In California, at least eight counties have voluntarily*
- 12    *initiated programs to provide the vital function of seeking to find*
- 13    *a foster child's relatives and nonrelative extended family*
- 14    *members, using new advances in technology. These proven*
- 15    *search methods can serve to provide family members who may*
- 16    *agree to house children who would otherwise be at risk of foster*
- 17    *care placement. Relative homes offer stability to children in*
- 18    *crisis and enhance family reunification. Outcome data from*

1 *Washington and Illinois show that children in the care of*  
2 *relatives are less likely to enter state custody, and most of these*  
3 *arrangements do not require intensive supervision of the*  
4 *placement by the courts or by the department of social services.*

5 *SEC. 2. (a) The State Department of Social Services, in*  
6 *conjunction with stakeholders, shall draft guidelines outlining*  
7 *best practices in the use of advanced technology to assist*  
8 *counties in identifying all relatives and nonrelatives, extended*  
9 *family members at the earliest possible time for a foster child.*

10 *(b) (1) The State Department of Social Services may identify*  
11 *best practices for implementing optimal foster child placement*  
12 *opportunities, as reported by the counties listed in paragraph (2),*  
13 *that are planning, designing, and implementing strategies, such*  
14 *as kinship care programs, to prioritize the placement of foster*  
15 *children. The creation of public and private partnerships is*  
16 *encouraged, and will enhance programs designed to quickly*  
17 *identify relatives and nonrelative extended family members of*  
18 *children placed in foster care. The purpose of these programs is*  
19 *to create a robust component in the spectrum of foster care*  
20 *placement options, to be used when out-of-home placement is*  
21 *necessary and to secure permanency for a foster child and any*  
22 *siblings.*

23 *(2) Counties that have developed kinship care programs,*  
24 *whose practices may be considered by the department pursuant*  
25 *to this subdivision, include all of the following:*

26 *(A) Alameda County.*

27 *(B) Monterey County.*

28 *(C) Orange County.*

29 *(D) Placer County.*

30 *(E) Sacramento County.*

31 *(F) Santa Clara County.*

32 *(G) Stanislaus County.*

33 *(H) San Mateo County.*

34 ~~SECTION 1.~~

35 *SEC. 3. Section 300.2 of the Welfare and Institutions Code is*  
36 *amended to read:*

37 *300.2. (a) Notwithstanding any other provision of law, the*  
38 *purpose of the provisions of this chapter relating to dependent*  
39 *children is to provide maximum safety and protection for*  
40 *children who are currently being physically, sexually, or*

1 emotionally abused, being neglected, or being exploited, and to  
2 ensure the safety, protection, and physical and emotional  
3 well-being of children who are at risk of that harm. This safety,  
4 protection, and physical and emotional well-being may include  
5 provision of a full array of social and health services to help the  
6 child and family and to prevent reabuse of children. The focus  
7 shall be on the preservation of the family as well as the safety,  
8 protection, and physical and emotional well-being of the child.  
9 The provision of a home environment free from the negative  
10 effects of substance abuse is a necessary condition for the safety,  
11 protection and physical and emotional well-being of the child.  
12 Successful participation in a treatment program for substance  
13 abuse may be considered in evaluating the home environment. In  
14 addition, the provisions of this chapter ensuring the  
15 confidentiality of proceedings and records are intended to protect  
16 the privacy rights of the child.

17 (b) When the return of a dependent child to his or her parent is  
18 not possible and placement of the child is being considered, the  
19 primary purpose of this chapter is to identify family members  
20 who may be able to safely care for the child. To this end, all  
21 professionals having interaction with a child who is described in  
22 this section shall take steps to identify, contact, and engage  
23 ~~family members~~ *relatives*, as defined in paragraph (2) of  
24 subdivision (c) of Section 361.3, who may be potential caretakers  
25 or support persons for the child.

26 ~~SEC. 2. Section 361.31 is added to the Welfare and~~  
27 ~~Institutions Code, to read:~~

28 ~~361.31. (a) In order to ensure that as many family members~~  
29 ~~as possible have been identified so that the requirements of~~  
30 ~~Section 361.3 can be fully carried out, the following steps shall~~  
31 ~~be taken:~~

32 ~~(1) The State Department of Social Services shall plan, design,~~  
33 ~~and implement strategies to prioritize the placement of children~~  
34 ~~with willing and able family members when out-of-home~~  
35 ~~placement is required.~~

36 ~~(2) These strategies shall include at least the following:~~

37 ~~(A) Development of standardized, statewide procedures to be~~  
38 ~~used when searching for family members of children prior to~~  
39 ~~out-of-home placement. The procedures shall include a~~  
40 ~~requirement that documentation be maintained in the child's case~~

1 ~~record that identifies family members, and documentation that~~  
2 ~~identifies the assessment criteria and procedures that were~~  
3 ~~followed during all family member searches. The procedures~~  
4 ~~shall be used when a child is placed in out-of-home care under~~  
5 ~~the authority of Section 361, when a petition is filed pursuant to~~  
6 ~~Section 300, when a child is placed in out-of-home care under~~  
7 ~~Section 305, or when a child is placed under a voluntary~~  
8 ~~placement agreement.~~

9 ~~(B) To assist with implementation of the procedures, the~~  
10 ~~department shall request that the juvenile court require parents to~~  
11 ~~disclose to the department all contact information for available~~  
12 ~~and appropriate family members within two weeks of the date an~~  
13 ~~order is entered. For placements under signed voluntary~~  
14 ~~agreements, the department shall encourage the parents to~~  
15 ~~disclose to the department all contact information for available~~  
16 ~~and appropriate relatives within two weeks of the date the parent~~  
17 ~~signs the voluntary placement agreement. Additionally, the~~  
18 ~~department and the attorney or guardian ad litem for the child~~  
19 ~~shall inquire of children of sufficient age concerning family~~  
20 ~~members.~~

21 ~~(3) The department shall develop of procedures for conducting~~  
22 ~~active outreach efforts to identify and locate family members~~  
23 ~~during all searches. The procedures shall include at least the~~  
24 ~~following elements:~~

25 ~~(A) Reasonable efforts to interview known relatives, friends,~~  
26 ~~teachers, the child, and other identified community members who~~  
27 ~~may have knowledge of the child's relatives, within 60 days of~~  
28 ~~the child entering out-of-home care.~~

29 ~~(B) Increased use of those procedures determined by research~~  
30 ~~to be the most effective methods of promoting reunification~~  
31 ~~efforts, permanency planning, and placement decisions.~~

32 ~~(C) Contacts with relatives identified through outreach efforts~~  
33 ~~and interviews under this subdivision as part of the permanency~~  
34 ~~planning activities and change of placement discussions.~~

35 ~~(D) Establishment of a process for ongoing contact with~~  
36 ~~family members who express interest in being considered as a~~  
37 ~~placement resource for the child.~~

38 ~~(E) A requirement that when the decision is made to not place~~  
39 ~~the child with any relative, the department provides~~  
40 ~~documentation as part of the child's individual service and safety~~

1 ~~plan that clearly identifies the rationale for the decision and~~  
2 ~~corrective action or actions the family member shall take to be~~  
3 ~~considered as a viable placement option.~~

4 ~~(F) A requirement that the department take all reasonable steps~~  
5 ~~immediately to determine paternity issues and that the juvenile~~  
6 ~~court assist in this determination by making inquiry and~~  
7 ~~appropriate orders as soon as paternity issues come to the court's~~  
8 ~~attention. Those reasonable steps shall include prompt paternity~~  
9 ~~testing of alleged fathers.~~

10 ~~(b) This section shall also apply to all foster children who are~~  
11 ~~not residing with relatives.~~

12 ~~(c) Nothing in this section shall be construed to create an~~  
13 ~~entitlement to services or to create judicial authority to order the~~  
14 ~~provision of services to any person or family if the services are~~  
15 ~~unavailable or unsuitable, or the child or family is not eligible for~~  
16 ~~those services.~~

17 ~~SEC. 3. Section 361.32 is added to the Welfare and~~  
18 ~~Institutions Code, to read:~~

19 ~~361.32. (a) The State Department of Social Services shall~~  
20 ~~collaborate with one or more nonprofit community-based~~  
21 ~~agencies to develop a grant proposal for submission to potential~~  
22 ~~funding sources, including governmental entities and private~~  
23 ~~foundations, to establish a minimum of two pilot projects to~~  
24 ~~assist family member caregivers with understanding and~~  
25 ~~navigating the system of services for children in out-of-home~~  
26 ~~care. The proposal shall seek to establish at least one of these~~  
27 ~~projects in Los Angeles County.~~

28 ~~(b) The family member care navigators funded through the~~  
29 ~~proposal shall be responsible for at least the following:~~

30 ~~(1) Understanding the various state agency systems serving~~  
31 ~~family member caregivers.~~

32 ~~(2) Working in partnership with local community service~~  
33 ~~providers.~~

34 ~~(3) Tracking trends, concerns, and other factors related to~~  
35 ~~family member caregivers.~~

36 ~~(4) Assisting in establishing stable, respectful relationships~~  
37 ~~between family member caregivers and department staff.~~

38 ~~(c) Implementation of the family member care navigator pilot~~  
39 ~~project is contingent upon receipt of the federal or private~~  
40 ~~funding for that purpose.~~

1     ~~SEC. 4. Section 361.33 is added to the Welfare and~~  
2     ~~Institutions Code, to read:~~

3     ~~361.33. The State Department of Social Services shall report~~  
4     ~~to the Legislature and the Governor on the implementation of the~~  
5     ~~family member care navigator pilot projects with~~  
6     ~~recommendations on statewide implementation of the pilot~~  
7     ~~projects within one year following implementation of the pilot~~  
8     ~~projects. The report shall include data that demonstrates whether~~  
9     ~~the pilot project has reduced actual barriers to access to services;~~  
10    ~~identify statutory and administrative barriers for the family~~  
11    ~~members who give care, and recommend ways to reduce or~~  
12    ~~eliminate the barriers without adverse consequences to children~~  
13    ~~placed with family members.~~

14    ~~SEC. 5. Section 361.34 is added to the Welfare and~~  
15    ~~Institutions Code, to read:~~

16    ~~361.34. (a) Within existing resources, the State Department~~  
17    ~~of Social Services shall establish an oversight committee to~~  
18    ~~monitor, guide, and report on family member care~~  
19    ~~recommendations and implementation activities. The committee~~  
20    ~~shall do all of the following:~~

21    ~~(1) Draft a family member care definition that is restricted to~~  
22    ~~persons related by blood or marriage, including marriages that~~  
23    ~~have been dissolved, or for a minor defined as an “Indian child”~~  
24    ~~under the federal Indian Child Welfare Act (25 U.S.C. Sec. 1901~~  
25    ~~et seq.), the definition of “extended family member” under the~~  
26    ~~federal Indian Child Welfare Act, together with a set of guiding~~  
27    ~~principles. If the committee concludes that one or more programs~~  
28    ~~or services would be more efficiently or effectively delivered~~  
29    ~~under a different definition of family member, it shall state what~~  
30    ~~definition is needed, and identify the programs or services in the~~  
31    ~~report. It shall also provide evidence of how the program or~~  
32    ~~service will be more efficiently and effectively delivered under~~  
33    ~~the different definition. The department shall not adopt rules or~~  
34    ~~policies changing the definition of family member without~~  
35    ~~authorizing legislation.~~

36    ~~(2) Monitor the implementation of recommendations~~  
37    ~~contained in any report on the progress of the pilot projects.~~

38    ~~(3) Partner with nonprofit organizations and private sector~~  
39    ~~businesses to guide a public education awareness campaign on~~  
40    ~~family member care issues.~~

1     ~~(4) Assist with developing future recommendations on family~~  
2     ~~member care issues.~~

3     ~~(b) The oversight committee shall consist of a minimum of 30~~  
4     ~~percent family member caregivers, who shall represent a~~  
5     ~~diversity of kinship families, and provide statewide~~  
6     ~~representation with geographic, ethnic, and gender diversity.~~  
7     ~~Other members shall include representatives of the department,~~  
8     ~~representatives of relevant state agencies, representatives of the~~  
9     ~~private nonprofit and business sectors, child advocates, at least~~  
10    ~~one representative from the California Youth Connection,~~  
11    ~~representatives of the California state Indian tribes, as defined~~  
12    ~~under the federal Indian Welfare Act (25 U.S.C. Sec. 1901 et~~  
13    ~~seq.), and representatives of the legal or judicial field. Birth~~  
14    ~~parents, foster parents, and others who have an interest in these~~  
15    ~~issues may also be included.~~

16    ~~(e) To the extent funding is available, the department may~~  
17    ~~reimburse nondepartmental members of the oversight committee~~  
18    ~~for costs incurred in participating in the meetings of the oversight~~  
19    ~~committee.~~

20    ~~(d) The family member care oversight committee shall report~~  
21    ~~to the Legislature and the Governor on the status of family~~  
22    ~~member care issues on or before January 1, 2007.~~

23    ~~SEC. 6. If the Commission on State Mandates determines that~~  
24    ~~this act contains costs mandated by the state, reimbursement to~~  
25    ~~local agencies and school districts for those costs shall be made~~  
26    ~~pursuant to Part 7 (commencing with Section 17500) of Division~~  
27    ~~4 of Title 2 of the Government Code.~~